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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,711	10/25/2001	David B. Lloyd	345008002US1	5399

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EXAMINER

CHERUBIN, YVESTTE GILBERTE

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/032,711	Applicant(s) LLOYD ET AL. <span style="float: right;">CM</span>	
	Examiner Yveste G. Cherubin	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 11 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This response to the amendment of the US Application No. 10/032,711 filed August 30, 2004. Claims 1-3, 11, 32 are pending.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 2-3, and 11 is withdrawn in view of the newly discovered reference(s) to Kawamura (JP-10-021066). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 11, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajiri et al. (US Patent NO. 6,251,010) in view of Kawamura et al. (JP No. 10-021066).

Regarding claims 1-3, 11, 32, Tajiri discloses a game machine apparatus and method with enhanced time related display of pokemon-type characters. Tajiri further discloses providing compatibility between an old version of a game and a new version of the game, 9:21-32. Tajiri discloses using 2 (two) comparators to identify changes from the source code for the first version of the game to the source code of the second version of

Art Unit: 3713

the game, 4:1-19, 11:15-50, 15:25-48, 16:33-52, and further discloses using a predetermined rule to satisfy state dependency, 9:39-47. Tajiri discloses providing a plurality of memory regions to store state data related to the game, see Fig 2, 5:35-41. Loading saved state data is inherent. However, Tajiri fails to clearly show selecting identified changes that add new dependency on state. Kawamura is further introduced to teach an automatic program generating method, see title. Kawamura, as Tajiri, teaches a method in a computing system for adapting states used with a first version of a program for use with a second version of the program, comprising: comparing the first and second versions of the program to identify dependencies on the state of the second version of the program not shared by the first version of the program, see 1<sup>st</sup> page Solution section, lines 1-3, and page 2 of 8, Means for solving the Problem section, [0013-0015]; selecting identified changes to add new dependency on state, see page 1, Solution section, lines 1-8, automatically generating a rule to modify states used with the first version of the program (determining new contents to be outputted) to satisfy the identified dependency (difference information); and for each of one or more states used with a first version of the program, applying the generated rule to the state (corrected and outputted as new version), see 1<sup>st</sup> page, Solution section, lines 4-11 and page 2 of 8, Means for Solving the Problem section, [0016], also see the whole patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Kawamura into the Tajiri type system in order to effectively use existent properties.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3, 11, 32 have been considered but are moot in view of the new ground(s) of rejection. See rejection above

***Prior Art Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

***Conclusion***

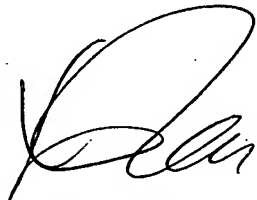
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (571) 272-4434. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Xuan can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ygc



XUAN M. THAI  
PRIMARY EXAMINER  
TC 3700